

House Study Bill 616

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON PAULSEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the effective period and legislative review of
2 administrative rules.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6404HC 81
5 jr/gg/14

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1 1 Section 1. Section 17A.4, subsection 1, paragraph a, Code
1 2 2005, is amended to read as follows:
1 3 a. Give notice of its intended action by submitting three
1 4 copies of the notice to the administrative rules coordinator,
1 5 who shall assign an ARC number to each rulemaking document and
1 6 forward two copies to the administrative code editor for
1 7 publication in the Iowa administrative bulletin created
1 8 pursuant to section 17A.6. The agency shall also submit a
1 9 copy of the notice to the speaker of the house or
1 10 representatives and the president of the senate who shall
1 11 refer the rules to the appropriate standing committees of the
1 12 general assembly for additional study. Any notice of intended
1 13 action shall be published at least thirty-five days in advance
1 14 of the action. The notice shall include a statement of either
1 15 the terms or substance of the intended action or a description
1 16 of the subjects and issues involved, and the time when, the
1 17 place where, and the manner in which interested persons may
1 18 present their views.

1 19 Sec. 2. Section 17A.5, subsection 1, Code 2005, is amended
1 20 to read as follows:

1 21 1. Each agency shall file in the office of the
1 22 administrative rules coordinator three certified copies of
1 23 each rule adopted by it. The administrative rules coordinator
1 24 shall assign an ARC number to each rulemaking document and
1 25 forward two copies to the administrative code editor. The
1 26 administrative rules coordinator shall keep a permanent
1 27 register of the rules open to public inspection. The agency
1 28 shall also submit a copy of the adopted rule to the speaker of
1 29 the house of representatives and the president of the senate
1 30 who shall refer the rule to the appropriate standing
1 31 committees of the general assembly for additional study.

1 32 Sec. 3. Section 17A.5, Code 2005, is amended by adding the
1 33 following new subsection:

1 34 NEW SUBSECTION. 3. An administrative rule is rescinded
1 35 five years after the initial effective date of the rule,
2 1 excluding the effective dates of later amendments. For rules
2 2 that are in effect on July 1, 2006, the rescision date is July
2 3 1, 2011.

2 4 Sec. 4. Section 17A.6, subsection 3, unnumbered paragraph
2 5 2, Code 2005, is amended to read as follows:

2 6 The administrative code editor shall omit or cause to be
2 7 omitted from the Iowa administrative code any rule or portion
2 8 of a rule nullified by the general assembly pursuant to
2 9 Article III, section 40, of the Constitution of the State of
2 10 Iowa, and shall publish notice of such nullification in the
2 11 bulletin.

2 12 Sec. 5. NEW SECTION. 17A.8A LEGISLATIVE REVIEW OF RULES.

2 13 The standing committees of the house of representatives and
2 14 senate may review any administrative rule. If reviewed, the
2 15 standing committee reviewing the rule shall report to the
2 16 house of representatives or senate its findings and
2 17 recommendations concerning its review. If ordered by the
2 18 speaker of the house of representatives or the president of

2 19 the senate, the report of the committee shall be printed in
2 20 the journal.

2 21 EXPLANATION

2 22 This bill requires administrative agencies to submit copies
2 23 of all proposed and adopted administrative rules to the
2 24 general assembly and would allow standing committees of the
2 25 house of representatives and senate to review any
2 26 administrative rule. As part of the rulemaking process, no
2 27 rule could remain in effect for more than five years.
2 28 LSB 6404HC 81
2 29 jr:rj/gg/14.1